

A. BACKGROUND INFORMATION

Project Title: West Edmundson-Piazza Subdivision

Lead Agency : City of Morgan Hill

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Date Prepared: February 14, 2012

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Project Location: The project site is located on three parcels along the south side of West Edmundson Avenue, in the southern portion of the City of Morgan Hill (APNs 767-021-013, -014 and -045.) The parcels are situated between Piazza Way and Olympia Avenue, and have a combined area of 10.48 acres.

General Plan Designation: Single-Family Medium (3 to 5 du/acre) and Multi-Family Low (5 to 14 du/acre)

Project Sponsor: Union Community Partners, Morgan Hill, LLC

Sponsor Address: 6489 Camden Avenue, San Jose, CA 95102

Zoning: R1-9000, RPD and R2-3500

Zoning (Proposed): No Change

Project Description: The project, Edmundson/Piazza Subdivision (SD-11-10) and Zoning Amendment (Planned Development, ZA-11-17), proposes to construct 43 dwelling units (31 single family and 12 duet units) on a total of 10.48 gross acres with a proposed density of 4.87 units per acre (Edmundson) and 7.65 units per acre (Piazza). Lot sizes would range from 3,610 square feet to 11,300 square feet. The project proposes to construct interior roadways (temporarily designated as Streets A, B, C and D) and proposes the widening of West Edmundson Avenue and Piazza Way to their full design widths along the project frontages. Sound walls along portions of West Edmundson Avenue are also proposed with the project.

Surrounding Land Uses: Single Family (south, east and west), church and park (north)

Public Agency Comment Period: 20 days: February 27, 2012 to March 18, 2012

B. Description of Project and Environmental Setting

PROJECT LOCATION

The project site is located in the southern portion of the City of Morgan Hill, in south Santa Clara County. Morgan Hill is approximately 20 miles south of the City of San Jose and approximately 60 miles south of the City of San Francisco (**see Figure 1, Project Location**). The project site is located at the intersection of West Edmundson Avenue and Piazza Way. The project fronts onto West Edmundson Avenue to the north and Piazza Way to the east. Existing single-family residential areas border the project to the south, east and west.

SITE CONDITIONS

The project consists of an eastern site and western site, separated by a 160-foot wide residential parcel that is not proposed for development at this time. The western site (APNs 767-21-013 & 014, designated herein as the "Edmundson" site) is 8.11 gross acres in size and contains three single-family dwellings as well as a number of accessory structures, including a dilapidated, non-habitable house. Site vegetation consists of eucalyptus trees, several stands of oak trees and non-native grasses. Elevations on the site range from approximately 328-330 feet above mean sea level. The site is generally flat, with no major topographic features such as creeks or rock outcroppings.

The eastern site (APN 767-21-015, designated herein as the "Piazza" site) is 2.37 gross acres in size, and supports non-native grasses, as well as several oak and eucalyptus trees along the southern and western property lines. No structures exist on the Piazza site, except for a wooden boundary fence enclosing the property. Similar to the Edmundson site, the Piazza site is generally flat, with no significant features.

Specific uses surrounding the project site include existing single-family residential development to the south, west, and east, and a church and community park to the north. The project site and surrounding area is shown on **Figure 2, Project Site and Surrounding Land Designations** and **Figure 3, Project Site and Existing Surrounding Land Uses**. **Figure 4, Existing Site Conditions** includes photos of the project site.

PROJECT DESCRIPTION AND BACKGROUND

The project site has been designated by the City of Morgan Hill General Plan as Single-Family Medium Density (Edmundson site) and Multi-Family Low Density (Piazza site) with corresponding zoning designations of R1-9000 RPD and R2-3500 as designated on the City of Morgan Hill Zoning Map. The project proposes to construct 43 dwelling units (31 single family and 12 duet units) on approximately 7.8 net acres. The Edmundson site (5.95 net acres) will include 29 single-family dwellings with a proposed density of 4.87 units per acre. Lot sizes on this site would range from 5,650 square feet to 11,300 square feet. The Piazza site (1.83 net acres) are proposed to include two single-family detached dwellings and six duet units, for a total of 14 units on the site and a density of 7.65 units per acre. Lot sizes on the Piazza site would range from 3,610 to 10,390 square feet.

Minimal grading will be required for the construction of street improvements and underground utility placement. The project proposes to construct internal access roads be dedicated to the City of Morgan Hill upon their construction. Sidewalk and curb improvements are also proposed as part of the roadway construction. Approximately 0.9 acres (39,204 square feet) of open space/detention basin area will be included within the project, primarily along the West Edmundson Avenue frontage. Construction of sound walls and landscape improvements along this frontage are also proposed by the project. Sound walls will be constructed along the residential property lines adjacent to West Edmundson Avenue. Finally, West Edmundson Avenue and Piazza Way will be constructed to their full design widths along the project frontages, including street, curb, gutter and sidewalk, and existing electrical and telephone pole utilities along West Edmundson Avenue are proposed to be relocated underground.

While no residential development is proposed within the parcel separating the Edmundson site from the Piazza site, Piazza Way is proposed to be extended through this parcel to connect to Street A, allowing for adequate internal and emergency vehicle access for the project. The cul-de-sac shown within this parcel will not be constructed at this time, as a single-family dwelling is located in this area on the parcel.

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The primary access to the project site is from West Edmundson Avenue. Proposed interior streets will provide circulation within the project site, with two points of access to the project from West Edmundson Avenue. Right-of-way widths for interior streets connecting to Edmundson Avenue would be 52 feet, including 6' sidewalks. 10' Public Utility Easements are proposed along each side of these streets. Streets ending in cul-de-sacs will be of similar design, with the exception of having a 48' wide right of way.

Public facilities, including water, sanitary sewer, gas, and electricity, and public services including police and fire protection, would be provided by the City of Morgan Hill and utility providers to the project site. Electricity and gas would be provided by PG&E; telephone/data would be provided by Verizon and cable would be provided by Charter Communications. The project plan is shown in **Figure 5, Proposed Project Site Plan**.

REQUESTED ENTITLEMENTS AND APPROVALS

This Initial Study provides the environmental information and analysis and primary CEQA documentation necessary for the City of Morgan Hill to adequately consider the effects of the proposed Edmundson/Piazza project. The City of Morgan Hill, as lead agency, has the approval authority and responsibility for considering the environmental effects of the proposed project. Approvals needed to implement the project are listed below:

- Approval of Tentative and Final Maps, grading plans, and improvement plans;
- Design Approval; and
- Building and encroachment permits, and certificates of occupancy.

C. Project Consistency Analysis

CEQA Guidelines section 15063(d)(5) states that the Initial Study shall examine whether the project would be consistent with existing zoning, plans, and other applicable land use controls. This section includes a discussion of the proposed project's consistency (or inconsistency) with the following plans: *City of Morgan Hill General Plan*, the *City of Morgan Hill Zoning Ordinance*, *Bay Area Air Quality Management District 2010 Clean Air Plan*, and the *Santa Clara County Congestion Management Plan*.

City of Morgan Municipal Code

Residential Development Control. In 1977, the City of Morgan Hill adopted the Residential Development Control System (RDCS). The RDCS was adopted to ensure that residential development pays for itself and that the rate of development does not outstrip the availability of public services and infrastructure to serve the City's residents. As implemented through the Municipal Code and other City Council policies, the RDCS requires a building allocation be obtained prior to seeking tentative and final subdivision map approvals.

Building allocations are awarded each fiscal year based on a formula tied to the annual target population growth. For the 2012-2013 fiscal year, 197 unit allocations were granted city-wide.

Potential residential projects compete for unit allocations through the Residential Design Control System. The system awards points to projects according to specific scoring criteria for project planning and design. Projects scoring the highest number of points are allocated a specific number of units, the aggregate of which cannot exceed the total number of allocations established for the fiscal year.

Consistency Analysis. Based on the Department of Finance estimates and other factors, the total building allocation available for Fiscal Year 2012-13 is 197 units. The Edmundson and Piazza portions of the proposed project were scored separately through the RDCS system, and were allotted 29 and 14 units, respectively, which would allow for the full development of each portion of the project beginning in FY 2012. The project is therefore consistent with the Residential Development Control system.

City of Morgan Hill Zoning Ordinance

The project parcels are currently zoned R1-9000 and R2-3500 which require minimum lot sizes of 9,000 square feet and 3,500 square feet for single family unit lots, respectively. As discussed above, lots will range in size from 5,130 square feet to 11,240 square feet for the Edmundson site, and from 3,670 square feet to 7,260 square feet for the Piazza site. The majority of the lots proposed for the Edmundson site do not meet the minimum lot size requirement for the R1-9000 zone; however, the zoning for this site includes an RPD (Residential Planned Development) overlay. This overlay zoning allows for the deviation from the base zoning development standards in order to encourage flexibility of site planning when it will enhance the area in which it is proposed and to allow construction of below market rate housing. Because the project incorporates enhanced site planning features (e.g. open space/detention areas, increased side yard setbacks, and varying front setbacks) as well as four affordable housing units, the project could be considered consistent with the purpose and intent of the PD overlay district, while including under-sized lots for the base R1-9000 zoning district.

City of Morgan Hill General Plan

The project sites are located completely within the City's Urban Limit Line and within the City's 20 year Urban Growth Boundary. The project sites have been designated as Single Family Medium and Multi-Family Low, respectively, by the General Plan. The proposed single-family residential development is consistent with these General Plan designations of the site.

The General Plan includes the following key policies applicable to the project. A brief analysis of project consistency with each policy is included below.

Residential Development Policy 7i:

Variety of Housing Types. Encourage a mix of housing types and lot sizes within residential projects with five or more lots or units.

Consistency Analysis. The proposed project includes a variety of housing types, including single-family detached and attached (duet) units. Styles of detached units include single-storey with attached garages, and two-storey with attached and detached garages. Granny units are proposed above all detached garages. In total, six individual floor plans are proposed. A variety of lot sizes are also proposed, ranging in size from 3,610 square feet to 11,300 square feet. The project is therefore consistent with Policy 7i.

Neighborhoods Policy 8d. Street Connections:

[Provide] Complete street connections between neighborhoods to promote efficient circulation and emergency service response time.

Consistency Analysis. The proposed project includes the construction and extension of neighborhood streets that will be built to City standards. The proposed layout provides direct connections between the each proposed section of the project, with two direct connections to West Edmundson Avenue. Therefore, the proposed project is consistent with this policy.

2010 Clean Air Plan The proposed project is subject to the 2010 Clean Air Plan (CAP) as adopted by the Bay Area Air Quality Management District (BAAQMD). The CAP emphasizes implementation of effective and comprehensive control measures rather than detailed quantification of emissions. In general, a project is deemed consistent with the BAAQMD CAP if all necessary control measures associated with the threshold of significance (i.e. project size) are implemented. The CAP is based on the effectiveness of control measures to reduce emissions; therefore, if the proposed project is below the threshold of significance for a given project type, then the project is consistent with the CAP.

As discussed in **Section 4.3, Air Quality** of this document, the number of housing units associated with the proposed project is below the threshold of significance of environmental effects for housing projects; therefore, the proposed project is consistent with the CAP.

Santa Clara County Congestion Management Program The Santa Clara County Congestion Management Program roadway network consists of freeways, expressways, urban arterials (six-lane facilities or non-residential arterials with average daily traffic (ADT) of 30,000 vehicles per day), and rural highways. The proposed roadway improvements associated with the proposed project are not part of the congestion management program network and the proposed project would not contribute traffic that would result in any congestion management roadways degrading to a less than acceptable level of service. Therefore, the proposed project would be considered consistent with the Santa Clara Congestion Management Program.

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Other Required Public Agency Approval

Regional Water Quality Control Board

D. Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project as indicated by the environmental checklist in this document.

<input checked="" type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input checked="" type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Geology and Soils
<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input checked="" type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Hydrology/Water Quality
<input checked="" type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mineral Resources	<input checked="" type="checkbox"/> Noise
<input checked="" type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Public Services	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Transportation/Traffic	<input checked="" type="checkbox"/> Utilities/Service Systems	<input checked="" type="checkbox"/> Mandatory Findings of Significance

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting or other information as supporting evidence.

DETERMINATION/ CEQA RECOMMENDATION

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and recommend that a NEGATIVE DECLARATION should be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

ENVIRONMENTAL INITIAL STUDY

- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Patrick Kelly, AICP, Contract Planner

February 14, 2012

Date

Evaluation of Environmental Impacts

All answers must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. A brief explanation is required for answers except "No Impact" answers that are adequately supported by the information sources cited in the response following each question.

- 1) A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific screening analysis.
- 2) If it is determined that a particular physical impact may occur, then the checklist responses must indicate whether the impact is "Potentially Significant", "Less Than Significant With Mitigation Incorporated", or "Less Than Significant." "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "potentially significant impact" entries when the determination is made, an EIR is required.
- 3) If all of the potentially significant impacts have been rendered less than significant with mitigation, a Negative Declaration may be prepared. The mitigation measures shall be described in the response, and it shall be explained how the mitigation measure reduces the potential effect to a less than significant level. Mitigation measures may be cross-referenced to other sections when one mitigation measure reduces the effect of another potential impact.
- 4) The response for each issue should identify the threshold or criteria, if any, used to determine significance and any mitigation measure, if any, to reduce a potential impact.
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Earlier analyses, if any, are cited at the end of the checklist). If an earlier analysis is used, the response should identify the following:
 - a. Earlier analysis used – Identify and state where the document is available.
 - b. Impacts adequately addressed – The responses will identify which impacts were within the scope of and were adequately analyzed in an earlier document pursuant to legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures – For effects that are "Less Than Significant With Mitigation Incorporated", the response will describe the mitigation measures, which were incorporated or refined from the earlier analysis, and to the extent they address site-specific conditions for the project.

- 6) The checklist responses will incorporate references to inform sources for potential impacts (e.g., general plans, zoning ordinances). Individuals contacted and other outside supporting sources of information will be cited in *Section I. References*.

1. AESTHETICS

Would the project:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION OF IMPACTS

a) *Have a substantial adverse effect on a scenic vista?*

The project site is not located within a designated scenic area or vista; therefore, **no impact** is anticipated.

b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

Both the Edmundson and Piazza sites are similar in visual character, being generally flat, and containing no distinctive geological features. A few coast live oak and eucalyptus trees exist on the Edmundson site. According to the arborist letter provided for the project, due to their size and species, these trees would not be considered significant trees, with the exception of one oak tree on the eastern portion of the Edmundson site. This tree is protected under the City's Significant Tree ordinance, and will be retained in the project, thereby preserving its aesthetic benefit to the site. The potential exists, however, for this tree to be damaged during the site clearing and grading process, as well as during the construction process. Mitigation Measure 4-5 included in Section 4, Biological Resources, will ensure that this tree is protected in place during the development phase of the project. Impacts to visual resources on the project site would therefore be considered **less than significant**.

F. ENVIRONMENTAL IMPACT CHECKLIST

- c) *Substantially degrade the existing visual character or quality of the site and its surroundings?*

As discussed above, the site is generally flat and contains no significant visual resources with the exception of the significant oak tree, which will be incorporated into the project to preserve its aesthetic benefit. While the visual character of the site will be altered as a result of the project, this change is not considered to be an adverse visual change. This is because the project will include extensive landscaping along the West Edmundson frontage, which will result in an attractive appearance as viewed from this street. The proposed dwelling units will incorporate a high level of architectural detail and variety, contributing to the project aesthetics and visual character. A **less than significant** impact would therefore result from the change in visual character of the site resulting from the project.

- d) *Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?*

Existing sources of light and glare surrounding the project site include lighting from single family residential areas to the east, south, and west, as well as street lighting along the existing adjacent roadways. New residential development at the project site as a result of the project will contribute new sources of light and glare. This additional light and glare, however, will be similar to existing light and glare, resulting from street and pathway lighting typical of the residential areas and streets surrounding the project site. This additional glare is therefore not anticipated to adversely affect day or nighttime views in the area. **Less than significant** impacts are therefore anticipated.

F. ENVIRONMENTAL IMPACT CHECKLIST

2. AGRICULTURE

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant Impact	Less Than Significant with Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Convert prime farmland or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to an urban use (projects requiring a legislative act, such as zoning changes, annexation to the City, urban service area amendments, etc)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflicting with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION OF IMPACTS

- a) *Convert prime farmland or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to an urban use (projects requiring a legislative act, such as zoning changes, annexation to the City, urban service area amendments, etc)?*

F. ENVIRONMENTAL IMPACT CHECKLIST

According to the State of California Department of Conservation's 2010 Santa Clara County Important Farmland Map, the project site is designated as "Urban and Built-up Land." The project site therefore does not contain Prime Farmland or Farmland of Statewide Importance and **no impact** is anticipated.

b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

According to the State of California Department of Conservation's 2006 Santa Clara Williamson Act Map, the project site is designated as "Built-up Land." The project site is not in a Williamson Act; therefore, **no impact** is anticipated.

c) *Conflicting with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

d) *Result in loss of forest land or conversion of forest land to non-forest use?*

The project site does not contain any forest resources, nor is it zoned for forest use. **No impacts** will occur.

e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural?*

The project site is not used for agricultural purposes. Further, the site is not zoned for this use and is not located adjacent to any other parcels carrying an agricultural zoning designation. **No impacts** will occur.

F. ENVIRONMENTAL IMPACT CHECKLIST

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION OF IMPACTS

a) Conflict with or obstruct implementation of the applicable air quality plan?

The project site is located within the San Francisco Bay Area Air Basin (SFBAAB). The SFBAAB comprises a single air district, the Bay Area Air Quality Management District (BAAQMD), which encompasses Napa, Marin, San Francisco, Contra Costa, Alameda, San Mateo, and Santa Clara Counties, the southern portion of Sonoma County, and the western portion of Solano County. The project site is located in the Santa Clara Valley portion of the air basin.

The BAAQMD prepares plans to attain ambient air quality standards in the air basin. The BAAQMD prepares ozone attainment plans for the national ozone standard and clean air plans for the California standard, both in coordination with the Metropolitan Transportation Commission and the Association of Bay Area Governments (ABAG).

The BAAQMD prepared the Bay Area 2010 Clean Air Plan to address the air basin's nonattainment status with the national 1-hour ozone standard and the California ambient air quality standards (CAAQS). The purpose of the Clean Air Plan is to:

F. ENVIRONMENTAL IMPACT CHECKLIST

1. Update the Bay Area 2005 Ozone Strategy in accordance with the requirements of the California Clean Air Act to implement all feasible measures to reduce ozone;
2. Consider the impacts of ozone control measures on particulate matter (PM), air toxics, and greenhouse gases in a single, integrated plan;
3. Review progress in improving air quality in recent years; and
4. Establish emission control measures to be adopted or implemented in the 2009–2012 time frame.

The emissions inventories contained in the ozone attainment plan and clean air plan are based on projected population growth and vehicle miles traveled (VMT) for the region. These inventories are largely based on the predicted growth identified in regional and community general plans including associated development projects. Projects that result in an increase in population or employment growth beyond that identified in regional or community plans could result in increases in VMT and subsequently increase mobile source emissions, which would not have been accounted for in BAAQMD's air quality plans, making the projects inconsistent with the plan.

Implementation of the proposed project will result in the development of 43 single-family units and associated infrastructure improvements on the project site. Based on the City's average household size of 2.9 persons per household, these improvements will directly induce growth of approximately 125 persons (2.9 persons per household x 43 units = 124.7 persons).

The proposed project is consistent with the land use designation of the City's General Plan, therefore, the proposed project would not result in an increase in population or employment growth, and thus VMT, beyond that anticipated in the ozone attainment plan and clean air plan. The proposed project would therefore not conflict with or obstruct implementation of the ozone attainment plan or clean air plan.

Consistency with these air quality plans is also determined if the project includes applicable control measures in the plans and does not disrupt or hinder implementation of any control measures.

As discussed in more detail below under Impact 'b,' the proposed project would not result in construction-generated or operational-related criteria air pollutants and/or precursor emissions that would exceed BAAQMD thresholds of significance. Furthermore, as described below, the project would be conditioned as part of project construction to adhere to BAAQMD's basic construction mitigation measures from Table 8-1 of the BAAQMD CEQA Guidelines. Implementation of the BAAQMD's basic construction mitigation measures during construction would ensure project consistency with the air quality plans.

The proposed project would support the goals of the ozone attainment plan and clean air plan, include feasible control measures, would not disrupt or hinder implementation

F. ENVIRONMENTAL IMPACT CHECKLIST

of any control measures, and would not result in vehicle trips greater than the projected population increase for the project. Therefore, the project would be considered consistent with BAAQMD air quality plans, resulting in a **less than significant** impact.

b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

The BAAQMD has developed project-level thresholds of significance in order to provide a conservative indication of whether a proposed project could result in potentially significant air quality impacts. To meet the project-level threshold of significance for construction- and/or operational-related criteria air pollutant and precursor impacts, the proposed project must emit no more than 54 pounds per day (lbs/day) of reactive organic gases (ROG), nitrogen oxides (NOx), and/or PM_{2.5} and no more than 82 lbs/day of PM₁₀.

Construction Emissions

Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur, but possess the potential to represent a significant air quality impact. Implementation of the proposed project would result in the temporary generation of emissions resulting from site grading, paving, motor vehicle exhaust associated with construction equipment and worker trips, the movement of construction equipment, and architectural coatings.

Fugitive dust, the dominant source of PM₁₀ and PM_{2.5} emissions, is generated when wheels or blades disturb surface materials. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. Off-road construction equipment is often diesel-powered and can be a substantial source of NOx emissions, in addition to PM₁₀ and PM_{2.5} emissions. Worker commute trips and architectural coatings are dominant sources of ROG emissions.

The predicted maximum daily construction-generated emissions of ROG, NOx, and particulate matter (PM₁₀ and PM_{2.5}) associated with project construction is compared with the BAAQMD significance criteria in Table 3.1.

Table 3.1
Project Construction Emissions (Maximum) Pounds per Day

Construction Phase	ROG	NOx	PM ₁₀	PM _{2.5}	CO
Construction Activities	52.7	22.0	54.0	12.0	17.3
BAAQMD Significance Criteria	54	54	82	54	None
<i>Significant?</i>	No	No	No	No	N/A

Source: Emissions modeled by PMC using the URBEMIS 2007 computer program. BAAQMD Regulation 8, Rule 3 applied architectural coating inputs.

As shown the table, maximum daily emissions would total approximately 53 pounds per day (lbs/day) of ROG, 22 lbs/day of NOx, 54 lbs/day of PM₁₀, and approximately 12

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lbs/day of PM_{2.5}. Actual daily emissions would vary from day to day and would be dependent on the specific activities conducted. Therefore, during construction of the proposed project, emissions generated would not exceed the BAAQMD's thresholds of significance for air pollutant emissions, which would be considered a less than significant impact. Nonetheless, the BAAQMD recommends all basic construction mitigation measures be implemented for all projects as best practice, whether or not construction-related emissions exceed applicable thresholds. To ensure consistency with BAAQMD air quality standards, the following mitigation measure is required:

MM3-1 During all phases of project development, the project shall adhere to BAAQMD's basic construction mitigation measures from Table 8-1 of the BAAQMD's CEQA Guidelines, which include the following:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturers specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Implementation of the BAAQMD's basic construction mitigation measures during construction would ensure construction-related emissions are minimized, resulting in a **less than significant** impact.

Operational Impacts

Increases in operational air impacts with implementation of the proposed project would generally consist of two sources: stationary and mobile. Implementation of the proposed project would result in regional emissions of PM₁₀ and PM_{2.5}, as well as ROG, NO_x, and carbon monoxide (CO), due to increased use of motor vehicles, thereby increasing potential operational air quality impacts. Ozone is not emitted directly into the air but is formed through a complex series of chemical reactions between ROG and NO_x, while the principal sources of PM₁₀ and PM_{2.5} include fuel burned in cars and trucks, power plants, factories, fireplaces, agricultural activities, and woodstoves.

PMC estimated criteria pollutant emissions generated during a typical year of project operation. In addition to projected stationary emissions, mobile emissions have also been quantified and compared to BAAQMD significance thresholds in Table 3.2, below.

Table 3.2
Estimated Operational Emissions (Maximum) Pounds per Day

Total Emissions					
Emission Source	Pounds Per Day				
	ROG	NO _x	PM ₁₀	PM _{2.5}	CO
Summer					
Operational Emissions	5.8	2.9	5.9	1.1	33.3
Winter					
Operational Emissions	5.5	4.7	5.9	1.2	32.9
BAAQMD Significance Thresholds (lbs/day)	54	54	82	54	--
Significant?	No	No	No	No	N/A

Source: Emissions modeled by PMC using the URBEMIS 2007 computer program.

Notes: Refer to Section 7, Greenhouse Gas Emissions for discussion of carbon dioxide emissions. . Morgan Hill Municipal Code Chapter 15.64 precludes fireplaces in new development and this regulation is applied to area source emissions inputs.

As demonstrated in Table 3.2, the proposed project would not exceed BAAQMD thresholds for air pollutant emissions. Therefore, the long-term operational air quality impacts of the proposed project would be considered less than significant.

The proposed project would not exceed project-level thresholds of significance for construction- and/or operational-related criteria air pollutants, resulting in **less than significant** impacts.

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- c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?*

According to the BAAQMD's CEQA Guidelines, for projects that do not individually have significant operational air quality impacts, the determination of significant cumulative impact should be based on an evaluation of the consistency of the project with the local general plan.

As previously mentioned, the San Francisco Bay Area Air Basin is currently designated as nonattainment for the state and federal ambient air quality standards for ground-level ozone and PM_{2.5} as well as the state standards for PM₁₀. Implementation of the proposed project may cumulatively contribute to the air basin's state of nonattainment. However, the proposed project would not induce growth beyond that anticipated in the City's General Plan, and based on project-related emission estimates (see impact b, above), the proposed project would not result in substantial impacts to the levels of any criteria pollutant. Cumulative air quality impacts will therefore be **less than significant**.

- d) *Expose sensitive receptors to substantial pollutant concentrations?*

Sensitive receptors are generally defined as facilities that house or attract groups of children, the elderly, people with illnesses, and others who are especially sensitive to the effects of air pollutants. Schools, hospitals, residential areas, and convalescent facilities are examples of sensitive receptors. The project site is considered a sensitive receptor (following construction of residential uses) and is adjacent to other residential areas.

Short-Term Construction Toxics

Construction activities would involve the use of a variety of gasoline- or diesel-powered equipment that emits exhaust fumes and generates dust during soil disturbance. These temporary air quality impacts could negatively affect sensitive receptors in the project area. Construction-related activities could result in the generation of toxic air contaminants (TACs), specifically diesel particulate matter (diesel PM) from on-road haul trucks and off-road equipment exhaust emissions. Due to the variable nature of construction activity, the generation of TAC emissions in most cases would be temporary, especially considering the short amount of time such equipment is typically within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations (BAAQMD, 2011). Concentrations of mobile-source diesel PM emissions are typically reduced by 70 percent at a distance of approximately 500 feet (CARB, 2005). In addition, current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 40, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities (BAAQMD, 2011).

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Residential land uses currently exist adjacent to the project site to the west, east, and south. While the duration of construction is currently speculative, it is not anticipated that any diesel-powered construction equipment would be in operation for more than 8 hours per day. Table 3.3 lists the anticipated types of diesel-power equipment to be used, as estimated by the URBEMIS 2007 computer program.

Table 3.3
Estimated Construction Equipment per Construction Phase

Construction Phase	Equipment
Grading	1 Tractor / Loader / Backhoes
	1 Grader
	1 Rubber Tired Dozer
	1 Water Truck
Building Construction	1 Crane
	3 Forklifts
	1 Generator Set
	3 Tractor / Loader / Backhoes
	3 Welders
Paving	1 Paver
	1 Paving Equipment
	1 Roller
	1 Tractor / Loader / Backhoes
	4 cement / mortar mixers

Source: URBEMIS 2007 computer program.

The construction phase associated with generating the most diesel PM emissions is the paving phase, which is estimated to last approximately 10 days and emit 1.2 pounds of PM_{2.5} emissions per day (for the purposes of this analysis, all “exhaust PM_{2.5}” is considered to be diesel PM which is conservative).

With implementation of the following mitigation measure, these temporary impacts will be reduced to a **less than significant** level.

MM3-2 In addition to mitigation measure **MM 3-1**, the following measures shall also be implemented in order to reduce the emissions of toxic pollutants generated by heavy-duty diesel-powered equipment during construction.

1. Keep all construction equipment in proper tune in accordance with manufacturers' specifications.
2. Use late-model heavy-duty diesel-powered equipment during construction to the extent that it is readily available in the San Francisco Bay Area.
3. Use diesel-powered equipment that has been retrofitted with after-treatment products (e.g., engine catalysts) to the extent that it is readily available in the San Francisco Bay Area.

F. ENVIRONMENTAL IMPACT CHECKLIST

4. Use low-emission diesel fuel for all heavy-duty diesel-powered equipment operating and refueling at construction sites to the extent that it is readily available and cost effective in the San Francisco Bay Area. (This does not apply to diesel-powered trucks traveling to and from the site.)
5. Utilize alternative-fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent that the equipment is readily available and cost effective in the San Francisco Bay Area.
6. Limit truck and equipment idling time to 5 minutes or less.
7. Rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible.

Localized Carbon Monoxide

Localized carbon monoxide (CO) concentrations near roadway intersections are a function of traffic volume, speed, and delay. Transport of CO is extremely limited because carbon monoxide disperses rapidly with distance from the source.

Based on BAAQMD guidance, projects meeting all of the following screening criteria would be considered to have a less than significant impact to localized carbon monoxide concentrations:

1. The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plans, and local congestion management agency plans.
2. The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
3. The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The project would not increase traffic volumes at any intersection to more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited as determined by the Institute of Traffic Engineers, 8th Edition Trip Generation Rates (ITE, 2008), which estimates an average of 421 trips per day generated as a result of the project. As such, the proposed project would not exceed BAAQMD significance thresholds for carbon monoxide.

Toxic Air Contaminants

As previously described, there are many different types of toxic air contaminants (TACs), with varying degrees of toxicity. Sources of TACs potentially affecting the project site include commercial operations, such as gasoline stations and dry cleaners. Mobile sources of air toxics include freeways and major roadways. These roadways are sources of diesel particulate matter (DPM), which the California Air Resources Board (CARB) has listed as a toxic air contaminant.

The proposed project would not be a source of TACs. However, there is a potential that the project site could be exposed to TAC emissions for either stationary and/or mobile sources.

According to BAAQMD's Stationary Source Screening Analysis Tool (BAAQMD 2011b), there are four fueling stations and three dry cleaning businesses in the vicinity of the project site. The nearest of these facilities is a fueling station associated with City Public Works Department located approximately 450 feet north of the project site. Gas refueling facilities and dry cleaners are regulated by BAAQMD Regulation 2, Rule 5, which provides for the review of TAC emissions in order to evaluate potential public exposure and health risk, to mitigate potentially significant health risks resulting from these exposures, and to provide net health risk benefits by improving the level of control when existing sources are modified or replaced.

Pursuant to BAAQMD Regulation 2, Rule 5, stationary sources having the potential to emit TACs, including gas stations and dry cleaners, are required to obtain permits from BAAQMD. Permits may be granted to these operations provided they are operated in accordance with applicable BAAQMD rules and regulations. Given that compliance with applicable standards and regulations are required as a part of normal permit procedure, TAC emissions from the four fueling stations and three dry cleaning businesses in the project vicinity would not be anticipated to result in a risk to future sensitive receptors of the proposed project.

In April 2005, CARB released the Land Use and Air Quality Handbook: A Community Health Perspective, which offers guidance on siting sensitive land uses in proximity to sources of air toxics. The handbook recommends that sensitive land uses be sited no closer than 500 feet from a freeway or major roadway with 100,000 vehicles per day, to avoid excessive exposure to diesel exhaust particulates. The project does not meet this proximity threshold, however.

For the reasons noted, future receptors would not be negatively affected by toxic air contaminants generated at any of the potential stationary sources or major transportation facility in the vicinity. Impacts to sensitive receptors are considered to be **less than significant**.

F. ENVIRONMENTAL IMPACT CHECKLIST

e) Create objectionable odors affecting a substantial number of people?

The BAAQMD CEQA Guidelines do not classify residential uses as a project that could create objectionable odors. In addition, the proposed project is not located downwind from any significant odor sources (e.g., landfills, sewage treatment plants) that could affect persons on the project site. Therefore, implementation of the proposed project would not create objectionable odors affecting a substantial number of people or subject people to objectionable odors, and **no impact** would occur.

4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION OF IMPACTS

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Biological Resource Analyses (Appendices A and B) were prepared for the Edmundson and Piazza portions of the project site, respectively, dated May and September, 2010 (Revised January 2012), by Olberding Environmental, Inc., on behalf of the project applicant. Due to the close proximity of the sites and similarity of existing habitat, the reports contain similar analysis and findings addressing potential biological resources on the project sites. The analyses were peer reviewed by PMC biologists in December, 2011 to verify their accuracy and completeness. The peer review concluded the analyses were generally adequate for CEQA review, with the addition of minor clarifications, which have been incorporated by Olberding.

Potential biological resources which could be present on the project sites were identified based on field surveys and database searches for plant and wildlife species and habitats included on state or federal endangered or special status species lists. The project sites are characterized as supporting one habitat type, consisting of fallow agricultural land turned non-native annual grassland. Existing residential development and streets surrounding the project sites, in combination with existing fencing, act as barriers limiting unrestricted movement of animals onto the sites.

Database searches for special status plant species identified three plants generally occurring in the vicinity of the project sites; however, the closest recorded occurrences ranged from 3.9 to 7.9 miles away from the project site. Follow-up field reconnaissance was performed on both sites, and none of these plants were found to exist. Similarly, database and field reconnaissance did not identify the existence of wildlife species including invertebrates, amphibians, reptiles or mammals. Special status birds, however, were identified as being either present or potentially present on the project sites.

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Burrowing Owl – Federal Species of Special Concern, California Special of Special Concern

Ground-dwelling members of the owl family, burrowing owls can be found on vacant lots in urban areas, where they generally use abandoned squirrel holes for nesting. The analyses indicate that that vegetation on the site is low enough to support nesting and foraging of burrowing owls, and that burrows exist on the project site in which owls could take up residency. No burrowing owls were observed during the site surveys, but may nonetheless occur.

Site clearing and grading activities could potentially result in destruction of owls and nests on the site. The City of Morgan Hill has adopted a Citywide Burrowing Owl Habitat Mitigation Plan which includes a fee program that funds acquisition and management of Preserve Land. Acquisition of Preserve Land is meant to provide habitat for burrowing owls to offset indirect and cumulative impacts from development and associated loss of foraging and nesting habitat in the City. Under the fee program, the project would be required to pay a burrowing owl fee prior to issuance of a building permit.

The Burrowing Owl Mitigation Plan also requires that direct impacts to burrowing owls (mortality or take) during clearing and grading of potential burrowing owl habitat shall be avoided by ensuring that owls are absent from such lands. All potential burrowing owl habitat to be developed within the City is requires a burrowing owl preconstruction survey. To ensure compliance with these requirements, and thus reducing potential impacts to burrowing owls to a **less than significant** level, the following mitigation measures are included:

- MM4-1** Prior to initiation of site clearing and grading activities, the project sites shall be surveyed for burrowing owls by a qualified biologist acceptable to the City of Morgan Hill and CDFG, to be retained by the project applicant. If burrowing owls are present, nest exclusion doors or avoidance buffers shall be installed, in accordance with CDFG requirements. No disturbance shall occur within 50 meters (approximately 160 feet) of occupied burrows during the non-breeding season of September 1 through January 31 or within 75 meters (approximately 250 feet) during the breeding season of February 1 through August 31. A minimum of 6.5 acres of foraging habitat, or as required by CDFG, shall be preserved contiguous with occupied burrow sites for each pair of breeding burrowing owls (with or without dependent young) or single unpaired resident bird.

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MM4-2 Pursuant to the City of Morgan Hill Burrowing Owl Mitigation Plan, the Burrowing Owl Mitigation Fee shall be paid prior to issuance of grading permits for the project. The fees collected shall be used towards acquisition of burrowing owl Preserve Land and associated maintenance costs.

Red-Tailed Hawk, Red-Shouldered Hawk, American Kestrel – State Protected; *White Tailed Kite* – Federal Species of Concern, CDFG Fully Protected

These protected raptors may forage in the grassland areas of the project site. While no nest structures were observed during the site surveys, the oak and eucalyptus trees on the project site could support nesting for these raptor species. The analyses also indicate that migrating songbirds, protected by the Migratory Bird Treaty Act, could also be present, nesting within the trees on the project site.

Site vegetation removal and construction activities could potentially result in destruction of nests on the site. The following mitigation measure shall be implemented to reduce this potential impact to a **less than significant** level:

MM4-3 A nesting bird survey within the trees on and bordering the project site shall be conducted 72 hours prior to removal of vegetation and/or construction. The survey shall be conducted by a qualified biologist acceptable to the City of Morgan Hill and CDFG, to be retained by the project applicant. If nests or young are found, construction activities shall occur outside of the breeding season (typically between January and July) or within a no-disturbance buffer. The biologist shall consult with CDFG to determine the size of any no-disturbance buffer (typically between 150-200 feet.)

MM4-4 A nesting raptor survey within the trees on and bordering the project site shall be conducted 72 hours prior to removal of vegetation and/or construction occurring between March and September, as well as for any grading or construction activity occurring within 100 feet of any known nesting site. Surveys shall also be performed prior to March to identify any potential nesting trees, prior to the birds laying eggs. Once eggs have been laid, a buffer of at least 150 feet shall be established around the nest site and the site shall be protected until August 31 or until the young have fledged (typically 3-4 weeks.) Surveys shall be conducted by a qualified biologist acceptable to the City of Morgan Hill and CDFG, to be retained by the project applicant.

b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

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The Biological Analyses prepared for the project cites the proximity of the Piazza portion of the project site to Little Llagas Creek (approximately 100 feet to the southeast.) The creek could potentially be impacted by construction runoff during site grading activities, when soil erosion potential is high. Impacts could include increased turbidity, potentially endangering aquatic life and reducing wildlife habitat quality. With implementation of the SWPPP discussed in **Section 9, Hydrology and Water Quality**, site runoff during the construction phase of the project will be minimal, resulting in a **less than significant impact** to the creek.

- c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Based on record searches and site surveys, the biological analysis concludes that no areas within the property exhibit positive indicators of wetland soils, hydrology or vegetation, therefore, no federally protected wetlands exist on the project site. The project would therefore be considered to have **no impact** associated with adverse effects to federally protected wetlands.

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Observations made during the reconnaissance survey of the project site did not identify the presence of any migratory wildlife species such as a deer herd, bat colony, or the presence of a nursery site. Given the location of the project site and existing site conditions observed, **no impact** to migratory wildlife species is anticipated to occur as a result of project implementation.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Section 12.32.020 of the Morgan Municipal Code includes protections for trees in residential zones that are indigenous to the Morgan Hill region, including oaks, California Bays, Madrones, Sycamores and Alders. Any of these tree species with a trunk diameter of 18 inches or more measured at a height of four and half feet may not be removed without first obtaining a tree removal permit from the City. A permit may only be issued under certain circumstances related to tree health, safety or other overriding public or private benefit, as determined by the City.

Of the indigenous trees listed in the ordinance meeting the permit criteria, only oaks occur on the property. One of the oak trees is in good health, and is proposed to be retained as a part of the project. This oak tree could be negatively impacted during the site clearing, grading and construction phases of the project due to damage from

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inadvertent contact with construction equipment and materials as well as soil compaction. To minimize the potential for these impacts to occur, the following mitigation measures are included:

MM4-5 The existing oak tree identified in the project arborist letter dated May 17, 2010 (Moki) shall be protected in place and incorporated into the project. Prior to initiating site clearing and grading activities, this tree shall be protected as follows:

1. Prior to commencement of site clearing and grading activities, the identified oak tree shall be marked with a survey flag or ribbon. The flag or ribbon shall not be nailed or stapled to the tree.
2. A temporary fence shall be installed enclosing an area equal to at least the drip line of the tree (or as far from the trunk as possible). This tree protection zone shall not be used for parking, storage of building materials, or other equipment or the placement of temporary or permanent fill. Signs shall be posted identifying the restriction of uses in the tree protection zone.
3. Locate structures, grade changes, and other ground or surface disturbances (e.g. concrete pours) as far as feasible from the "drip line" area of the tree.
4. Avoid root damage through grading, trenching, compaction, etc at least within an area 1.5 times the drip line area of the tree. Where root damage cannot be avoided, roots encountered over 1" in diameter should be exposed approximately 12" beyond the area to be disturbed (towards the tree stem), by hand excavation, or with specialized hydraulic or pneumatic equipment, cut cleanly with hand pruners or power saw and immediately back-filled with soil. Avoid tearing or otherwise disturbing that portion of the roots to remain.
5. The addition of plant or other landscaping materials shall remain outside of the drip line of the tree.

With implementation of the above mitigation measure, potential impacts to the identified oak tree will be reduced to a **less than significant** level.

The other oaks subject to the ordinance form multi-trunk oak clusters, and are proposed to be removed. The arborist letter notes that the main trunk stems of the clusters show signs of poor structure. As such, it is not appropriate to retain these oak tree clusters in the project. Removal of these oaks is therefore anticipated to result in a **less than significant** impact.

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- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The cities of Morgan Hill, Gilroy and San Jose, the County of Santa Clara, the Santa Clara Valley Transportation Authority and the Santa Clara Valley Water District have initiated a collaborative process to prepare and implement a Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) for the Santa Clara Valley. The plan will create a number of new habitat reserves that will be larger in scale and more ecologically valuable than the fragmented, piecemeal habitats currently yielded by mitigating projects on an individual basis. As of the writing of this document this plan has not been adopted.

The City of Morgan Hill currently does not have an adopted Habitat Conservation Plan or a Natural Community Conservation Plan. Given the project's location, within the City's Urban Service Area and within the City's 20 year growth boundary as well as the existing site conditions, the project is not anticipated to result in a conflict with an approved or pending Habitat Conservation Plan. Therefore, implementation of the proposed project would be considered to have **no impact** arising from conflicts with an adopted Habitat Conservation Plan, Natural Conservation Plan, or other habitat conservation plan.

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5. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION OF IMPACTS

- a) *Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?*

Under CEQA, as well as MHMC standards, criteria for historical significance of structures include whether a property was associated with important patterns and events; historic personages, and /or embody a distinctive architecture style representative of an historic era. According to the historical resource evaluation prepared for the project (Appendix C), all of the buildings on the Edmundson portion of the project site are at least 45 years old, and are subject to evaluation under the criteria above. Based on archival research and a site investigation, none of the structures on the site met the criteria for significance, due to a lack of association with historical events or personalities and a lack of a distinctive style. Additionally, the oldest of the structures on the site an early-century house and shed, are in a state of collapse, and therefore do not represent a distinctive example of are architectural style. A **less than significant** impact is anticipated.

- b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*

Cultural resource evaluations (Appendices D and E) were prepared for each portion of the project, the Edmundson site and Piazza site. The Edmundson evaluation did not identify any archival records of archaeological resources on the site. A field reconnaissance was also performed, and no archaeologically significant materials

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were observed. The report notes, however, that ground visibility was poor at the time of the reconnaissance due to the presence of high grasses, so it could not be definitively concluded that archaeological resources were absent from the site. The project could therefore potentially impact resources that may be on the project site. To minimize this potential impact to a less than significant level, the archaeological report recommends implementation of the following measure, incorporated herein as a mitigation measure:

MM5-1 The project applicants shall retain an archaeologist acceptable to the City of Morgan Hill to perform spot checking for archaeological resources on the Edmundson site of the project, including the areas around the structures of historic age as well as the overall site, during the grubbing, clearing, grading and trenching for the project.

The cultural resource evaluation prepared for the Piazza site also included an archival search for any records of archaeological resources on the property, as well as a field reconnaissance to check for the presence of any resources. Neither the records search nor the field reconnaissance identified any potentially significant resources. The report does not note any ground visibility issues at the time of the reconnaissance. The report concludes that no archaeological monitoring is required during project development.

In the event that unanticipated significant buried cultural resources are found during construction, however, the following mitigation measure is included and applicable to both the Edmundson and Piazza sites:

MM5-2 If, during the course of project development, cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts) are discovered, work shall be halted immediately within 50 feet of the discovery, the Community Development Department shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history shall be retained to determine the significance of the discovery.

The City and project applicant shall consider mitigation recommendations presented by the archaeologist. The City and project applicant shall consult and agree upon implementation of a measure or measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project proponent shall be required to implement any mitigation necessary for the protection of cultural resources.

Implementation of **Mitigation Measures 5-1** and **5-2** would reduce impacts on archeological resources to a **less than significant** level by requiring monitoring where required and specific actions to be taken in the event of discovery of potential resources.

F. ENVIRONMENTAL IMPACT CHECKLIST

- c) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

The project site has not been surveyed for paleontological resources. There is a possibility of the unanticipated discovery of paleontological resources during ground-disturbing activities associated with implementation of the project, with the potential that any resources could be negatively impacted. To minimize the potential for impacts, the following mitigation measure is included:

MM5-3 If, during the course of project implementation, any paleontological resources (fossils) are discovered, work shall be halted immediately within 50 feet of the discovery, and the Community Development Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist.

The City and project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries of paleontological resources. The City and project applicant shall consult and agree upon implementation of a measure or measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant shall be required to implement any mitigation necessary for the protection of paleontological resources.

With implementation of **Mitigation Measure 5-3**, potential impacts to unanticipated paleontological resources within the project site will be reduced to a **less than significant** level.

- d) *Disturb any human remains, including those interred outside of formal cemeteries?*

No human remains are known to exist on the project site; however, there may be a possibility unknown human remains could be discovered during grading activities. Disturbance of human remains would be considered a significant impact. Implementation of the following mitigation measure would ensure project implementation does not disturb any human remains buried outside of a formal cemetery.

MM5-4 The following language shall be included in all permits in accordance with CEQA Guidelines Section 15065.5(e):

If human remains are discovered during the course of project development, all work shall be halted immediately within 50 feet of the discovery, the Community Development Department shall be notified, and the County Coroner must be notified according to Section 5097.98 of the State PRC and Section 7050.5 of California's Health and Safety

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Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.

Implementation of **Mitigation Measure 5-4** would reduce impacts on any human remains to a less than significant level by requiring the proper authorities be contacted and that appropriate procedures be followed should there be any unanticipated discovery of human remains during construction.

F. ENVIRONMENTAL IMPACT CHECKLIST

6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Source:5) Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in, creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION OF IMPACTS

- a) *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving:*
- i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*

The project is not located on or near a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map. According to the geotechnical

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reports prepared for the project (Appendices F and G), the closest faults to the project site are the Calaveras, Sargent, and San Andreas faults. The Calaveras fault is the closest fault with an approximate distance of four miles to the project site. There are no known or potentially active faults within the project site; therefore, the potential for surface ground rupture at the project site is considered low. Development of the proposed project site is therefore not anticipated to expose people or property to substantial adverse risk to rupture of a known earthquake fault, and **less than significant** impacts are anticipated.

ii) *Strong seismic ground shaking?*

iii) *Seismic-related ground failure, including liquefaction?*

According to the project geotechnical reports, the project sites may be subject to strong seismic ground shaking during the lifetime of the built structures, as are most sites within the Bay area. The project will be constructed in accordance with the California Uniform Building Code, which includes construction requirements designed to minimize the potential for structural damage due to ground shaking. Additionally, the geotechnical reports evaluated the potential for liquefaction to occur. Liquefaction potential was determined to be low, due to the generally stiff, dense soils underlying the site. Impacts associated with potential seismic ground shaking and liquefaction would therefore be **less than significant**.

iv) *Landslides?*

Given that the project site and surroundings are generally flat, exposure of persons or structures to the risk of landslides as a result of project implementation is considered to be **less than significant**.

b) *Would the project result in substantial soil erosion or the loss of topsoil?*

Soil erosion or the loss of topsoil may occur during the construction phase of the proposed project; however, the proposed project site is predominately flat and grading activities will be minimal. The proposed project will be required to submit a Storm Water Pollution and Prevention Plan (SWPPP) to the Engineering Department prior to commencement of grading activities, detailing measures that will be taken by the project applicants to minimize stormwater runoff and associated soil erosion during project grading and construction. This impact is therefore considered to be **less than significant**.

c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

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- d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

As discussed above, soils on the property have been determined to be generally stiff and dense, with minimal potential for liquefaction. The geotechnical report does indicate, however, that the site is blanketed by moderately to highly expansive soils. Because these soils can shrink and harden when dried, and then expand and soften when wetted, they could potentially cause damage to any structures and/or foundations constructed atop them. The following mitigation measure will minimize this potential impact to a **less than significant** level.

MM6-1 Project foundations shall be designed to withstand the expansion and contraction of the expansive soils on site, in accordance with the requirements of the project design-level geotechnical report.

- e) *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

According to the project site plan, the project will connect to existing municipal sewer lines and will not require the use of septic tanks or alternative wastewater disposal systems; therefore **no impact** is anticipated due to soil incapacity for septic tank use.

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7. GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant with Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION OF IMPACTS

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Implementation of the proposed project would incrementally contribute to greenhouse gas (GHG) emission increases that are associated with global climate change. Project GHG emissions were estimated for Carbon dioxide (CO₂), Nitrous oxide (N₂O) and methane (CH₄) .

Calculations of GHG emissions typically focus on CO₂ because it is the most commonly produced greenhouse gas in terms of number of sources and volume generated. N₂O and CH₄ emissions are assessed for primary source categories associated with the project (e.g., motor vehicles). It is important to note that while other GHGs, such as hydrofluorocarbons (HFCs), have a higher global warming potential than CO₂, they are emitted at negligible levels for similar projects under typical operations. Therefore, quantification of other GHG emissions was not included in this analysis.

The URBEMIS 2007 computer modeling program was utilized to estimate the CO₂ emissions associated with the construction and operational activities associated with the proposed project. N₂O and CH₄ emissions resulting from project construction and periodic renovation activities were analyzed using the California Climate Action Registry General Reporting Protocol Version 3.1 (January 2009). The General Reporting Protocol, produced by the California Registry and developed with the recommendations and technical and policy guidance from the California Energy Commission, is a document designed to support the accurate reporting of GHG emissions in a quantifiable manner.

Often, estimates of GHG emissions are presented in carbon dioxide equivalents (CO₂e), which weight each gas by its Global Warming Potential (GWP). Expressing GHG emissions in carbon dioxide equivalents takes the contribution of all GHG emissions and converts them to a single unit equivalent to the effect that would occur if only CO₂ were being emitted.

Construction Emissions

The BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, the BAAQMD recommends quantification and disclosure of GHG emissions that would occur during construction, and making a determination on the significance of these construction-generated GHG emission impacts in relation to meeting AB 32 GHG reduction goals. AB 32 is the California Global Warming Solutions Act, enacted by the state legislature in September 2006. AB 32 requires the reduction of statewide GHG emissions to 1990 levels by 2020.

As shown in Table 7.1, the construction of the proposed project would result in a maximum of 2,453 pounds per day of construction-generated CO₂e over the anticipated one-year construction period.

Table 7.1
Estimated Construction-Related Greenhouse Gas Emissions (Pounds per Day)

Carbon Dioxide (CO ₂)	Methane (CH ₄)	Nitrous Oxide (N ₂ O)	CO ₂ e
2,431	0.1	0.1	2,453 (or 185 metric tons per year)

Emissions modeled by PMC using URBEMIS 2007 v. 9.2.4 and California Climate Action Registry General Reporting Protocol Version 3.1 (January 2009).

In addition to quantifying construction-generated GHG emissions, the BAAQMD recommends that all construction projects incorporate best management practices that minimize GHG emissions. To ensure that best management practices are incorporated into the project, the following mitigation measure is included:

MM7-1 Prior to issuance of grading or building permits, the project applicant shall specify on the final project plans implementation of BAAQMD-recommended construction-related measures to reduce GHG emissions during construction activities. These measures include, as feasible:

1. Use of alternative-fueled (i.e. biodiesel, electric) construction vehicles and equipment to the maximum extent possible;
2. Use of local construction materials (within 100 miles) to the maximum extent possible; and
3. Recycle construction waste and demolition materials to the maximum extent possible.

Mitigation Measure **MM7-1** would reduce the incremental emissions from project construction. Additionally, Mitigation Measure **MM3-2**, described under **Subsection 3, Air Quality**, would further reduce the emissions of heavy-duty diesel-powered equipment emissions during construction. Implementation of these measures would minimize construction-related GHG emissions to the extent feasible, consistent with AB 32 GHG reduction goals, and would therefore result in a **less than significant** impact.

Operational Emissions

For GHG emissions resulting from project operations after construction, the BAAQMD threshold of significance applicable to the project is whether the project would exceed 1,100 MT/year of CO₂e. Operational GHG emissions were quantified for proposed project conditions using the URBEMIS 2007, version 9.2.4, computer program and the BAAQMD's Greenhouse Gas Model (BGM). The projected annual GHG emissions resulting from operation of the proposed project are summarized in **Table 7.2**.

Table 7.2
Operational Greenhouse Gas Emissions (Metric Tons per Year)

Emission Type	CO ₂ e
Area Source	1
Mobile Source	526
Indirect Emissions from Electricity and Natural Gas Consumption	213
Water/Wastewater	9
Waste Generation	63
Total	812
BAAQMD Significance Thresholds (MT/year)	1,100

Emissions modeled by PMC using URBEMIS 2007 v. 9.2.4 and BAAQMD BGM Greenhouse Gas Calculator v. 1.1.9

As shown in the table, the proposed project would not exceed BAAQMD significance thresholds for operational GHG emissions and would result in **less than significant** GHG impacts on the environment.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

In September 2006, AB 32, the California Global Warming Solutions Act, was enacted by the state legislature. AB 32 requires the reduction of statewide GHG emissions to 1990 levels by 2020. The BAAQMD has established thresholds of significance for GHGs to identify the emissions level for which a project would not be expected to substantially conflict with California legislation adopted to reduce statewide GHG emissions, which includes AB 32. As discussed above, the project operational emissions would not exceed the BAAQMD threshold of significance for GHG, and therefore would not conflict with AB 32, or other state legislation for reducing GHG emissions.

In addition to not exceeding the threshold of significance, the project will be constructed in a manner that supports GHG reductions, by being consistent with the following General Plan policy supporting GHG reductions:

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Policy 7b, Conservation Element:

Promote energy conservation techniques and energy efficiency in building design, orientation and construction.

Incorporating energy-efficient design in buildings should result in reductions in overall energy consumption, including fossil fuel energy, which contributes to GHG gasses in the atmosphere.

Consistency: As a condition of the unit allocations awarded through the RDCS process, the project applicant has committed to the following:

- Providing 100% of the electricity and other energy requirements of the common areas from alternative sources
- Providing pre-wire and pre-plumbing for tankless water heaters and for solar panels/tiles
- Constructing at least 50% of the homes to include alternative power generation providing at least 50% of the home electricity requirement

Because the project is consistent with the BAAQMD thresholds of significance for GHGs and General Plan Conservation Element Policy 7b, **less than significant** impacts are anticipated with regard to GHG reduction policy and regulation conflicts.

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8. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION OF IMPACTS

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

According to the Phase I site assessments prepared for the project (Appendices H and I), the existing on-site structures on the Edmundson site may include asbestos-containing materials, and the exterior paint may contain lead, which may result in human exposure to these hazardous materials. To mitigate the potential exposure of persons on the site to these materials, the following mitigation measure is included:

- MM8-1** Prior to demolition of the existing on-site structures potentially containing asbestos or lead, the interiors shall be inspected for the presence of asbestos-containing materials, and the exterior paint shall be tested for possible lead content. If asbestos-containing materials or peeling lead-based paint are found, they shall be removed in accordance with required protocols prior to general demolition.

Soils around the foundations of older residential structures have the potential to be contaminated with lead from any lead-based paints used on the structure that have flaked off the exteriors and come into contact with the soil. Pesticides historically used for termite control can also impact these soil areas. Consequently, the soils around the residential structures on the site were tested for these contaminants, with the result that lead and pesticide concentrations in the soils exceeded applicable concentration thresholds for human health. To minimize the potential for these contaminants to harm human health, the following mitigation measure is included:

- MM8-2** Prior to commencement of site grading activities, the soils up to a around the perimeter of the existing residential structures shall be removed and disposed of in accordance with the recommendations of the project Phase I site assessment.

With implementation of **Mitigation Measures 8-1** and **8-2**, potential human health impacts resulting from exposure to lead based paint, asbestos-containing building materials and/or pesticides will be reduced to a **less than significant** level.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The project site is located within one quarter mile of Paradise Elementary School. The project will not emit any hazardous materials that could impact the school, and the identified hazardous materials associated with the project, including the potential for existing lead-based paints and asbestos-containing building materials to be encountered during the demolition of existing structures, would not have any impacts beyond the project boundaries, and would therefore not result in negative impacts to the school. **No impacts** are anticipated.

Electromagnetic Fields

Overhead utility lines exist over the parcel between the Edmundson and Piazza portions of the project, and will remain in place. As with all power lines, these lines emit waves of electrical and magnetic energy, maintaining a continuous electromagnetic field (EMF) within the corridor. A number of the proposed residential dwelling units for the project will be located adjacent to the utility corridor, within the EMF field of the existing power lines. It should be noted that EMFs are also emitted from any electrical devices that are

F. ENVIRONMENTAL IMPACT CHECKLIST

plugged in and turned on, such as computer monitors, televisions and microwave ovens.

Many people are concerned about potential adverse health effects of EMFs. According to the Environmental Protection Agency, much of the research about the health effects of power line EMF exposure is inconclusive. The EPA states that despite more than two decades of research to determine whether elevated EMF exposure, principally to magnetic fields, is related to an increased risk of childhood leukemia, there is no definitive answer. The general scientific consensus is that, thus far, the evidence available is weak and is "not sufficient to establish a definitive cause and effect relationship."

Because it has not been scientifically established that EMF exposure results in health hazards to humans, it cannot be stated conclusively that the future occupants of the project will be negatively impacted by EMFs. **No impacts** associated with EMF exposure are therefore anticipated.

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The GeoTracker Database maintains a list of hazardous sites compiled pursuant to Government Code Section 65962.5. The project site is not included within this database; therefore, implementation of the project would result in **no impact** associated with the presence of a hazard to the public or the environment identified within the database.

- e) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The project proposes to connect to the existing neighborhood roadway network in order to provide access to the proposed residential development on the project site. Interior streets proposed by the project have been designed to satisfy emergency, fire, and police requirements.

The length of Street D within the Piazza portion of the project, however, exceeds that permitted without adequate turn-around space for fire trucks. At the present time, the project developers are pursuing an access easement within the Pancal parcel to permit the construction of a hammerhead turn-around area. If the easement cannot be obtained, Street D can be modified to include a cu-de-sac entirely within the Piazza site with minor adjustments to layout for Lots 22, 23 and 29-30. To ensure that either the easement is obtained or the cul-de-sac is implemented prior to the construction of units dependent upon these measures for adequate fire protection, the following mitigation measure is included.

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MM8-3 Prior to issuance of building permits for dwelling units on Lots 22 and 29, the project developers shall have secured and constructed adequate fire truck access consisting of either a hammerhead turn-around area on the Pancal site adjacent to the project, or by constructing a cul-de-sac within the Piazza portion of the project. Said improvement shall be acceptable to the City of Morgan Hill Public Works Department and Santa Clara County Fire Department.

With implementation of the above measure, the project is anticipated to result in a **less than significant** impact to an adopted emergency response plans or emergency evacuation plan.

f) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

According to the City of Morgan Hill Wildland Urban Interface Map, the project site is not located within or adjacent to any fire hazard zone established by the City. Implementation of the proposed project would therefore result in a **less than significant** impact resulting from wildland fire hazards.

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9. HYDROLOGY AND WATER QUALITY				
Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

F. ENVIRONMENTAL IMPACT CHECKLIST

9. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION OF IMPACTS

a) *Violate any water quality standards or waste discharge requirements?*

The proposed project would discharge wastewater into the City's sewer system. Therefore, the proposed project would not violate any water quality standards or waste discharge requirements. **No impact** is anticipated.

b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

According to the City of Morgan Hill 2010 Draft Urban Water Management Plan, the current total water use for the City is approximately 7,333 acre-feet per year, with a projected use of 9,637 acre feet per year by 2030. By comparison, the total water supply, according to the plan, is 18,054 acre-feet per year, which will increase to 18,422 acre feet per year by 2030. The existing and future water supply for the City is therefore adequate to serve the project, and **less than significant** water supply impacts are anticipated.

c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?*

The project site is surrounded by urban land uses and is relatively flat with no major topographic features, such as creeks, streams, rivers, or rock outcroppings, existing on or in the vicinity of the site. The storm drainage system of the City of Morgan Hill consists of a combination of curb and gutter facilities, curb inlets, and underground pipelines that drain to the nearest creek or manmade channel.

The conversion of existing site conditions (minimally developed) would increase the amount of surface area impervious to water and as such may alter existing drainage patterns and lead to erosion or siltation; however, the project site is not located near the course of a stream or river and runoff from the project site will be channeled to the City's storm drainage system. Therefore, implementation of the project would have **less**

than significant impact associated with substantially altering the drainage pattern on-site.

- d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?*

The topography of the project site is essentially level, and does not presently contribute substantially to on or off-site flooding. The project will include new impervious surface area (i.e. streets, sidewalks, driveways and buildings), which will result in stormwater flows which could potentially contribute to flooding. In accordance with MHMC Section 17.32, the project has been designed to handle a ten-year storm without resulting in local flooding, and includes a stormwater retention basins designed to accommodate runoff from a 25-year storm. Therefore, project impacts associated with flooding on or off-site are anticipated to be **less than significant**.

- e) *Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*
- f) *Otherwise substantially degrade water quality?*

The proposed project would connect to the existing stormwater drainage line within the West Edmundson Avenue right of way. This line ultimately discharges to Little West Llagas Creek. According to the Stormwater Drainage System Master Plan, this channel, incorporating proposed design capacities, provides sufficient capacity to serve existing and General Plan 2020 buildout conditions, which includes the proposed project. The project is required to pay impact fees toward the development of channel improvements implementing this design capacity. Further, the project has been designed to retain on-site the stormwater runoff from a 25-year storm, and be designed to handle a 10-year storm without resulting in local flooding. The project will therefore have a **less than significant impact** associated with stormwater drainage system capacity.

Site preparation and construction activities can affect water quality in a variety of ways, such as erosion from soil stockpiles and resulting sedimentation and conveyance of engine fluids leaking from construction equipment. To minimize the potential for water quality impacts during construction, Section 13.30.260 of the MHMC requires all projects disturbing more than one acre (which would include the proposed project) to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). This plan is required to include Best Management Practices (BMPs) designed to minimize the generation, transport or discharge of pollutants into waterways. This plan is subject to review and approval by the Engineering Department for conformance with the Municipal Code.

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Potential non-point source pollution from project driveways and streets, such as automotive fluids and pesticides, could enter the stormwater system and negatively affect water quality which could violate the standards of the Federal Clean Water act if not mitigated properly. Section 18.71.030 of the MHMC requires all development projects disturbing greater than one acre to prepare and implement a Stormwater Runoff Management Plan (SRMP) to address post-construction stormwater quality. This plan is required to identify potential pollutants, as well as BMPs to minimize the potential for these pollutants to enter the off-site stormwater system, thereby contributing to surface and ground water supply contamination.

While the project plans do not yet identify every BMP and design feature designed to minimize water pollutants, a retention basin is included to allow on-site retention of stormwater runoff, up to a 25-year storm event. Implementation of this feature, as well as the BMPs within the SRMP to be reviewed and approved by the Engineering Department, will result in **less than significant** water pollution impacts as a result of the project.

- g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*
- h) *Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?*

The City of Morgan Hill GIS mapping system indicates the project sites are designated by FEMA as being within Flood Zone D. This designation indicates areas of undetermined but possible flood hazards. The parcels, however, are located outside the 100-year flood area, according to the 2010 Morgan Hill Flood Report. Therefore, implementation of the proposed project would have **no impact** associated with placing housing or structures within a 100 year flood hazard area.

- i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

According to the Association of Bay Area Government Hazard Maps, the majority of the Morgan Hill planning area is within one or more inundation areas for dam failure, including the project site. The Santa Clara Valley Water Management District (SCVWMD) is responsible for the maintenance and regular inspection of the four dams within its jurisdiction. SCVWMD has implemented a Dam safety program that has installed seismic instrumentation to monitor the condition of each dam. Additionally, the California Division of Safety of Dams also inspects each of the four dams within SVWMD's jurisdiction on an annual basis to ensure the dam is safe, performing as intended, and is not developing problems. Given the routine inspection, monitoring, and maintenance of dams capable of inundating the City of Morgan Hill, the exposure

F. ENVIRONMENTAL IMPACT CHECKLIST

of people and structures to the risk of inundation caused by dam failure would be considered **less than significant** impact.

j) *Inundation by seiche, tsunami, or mudflow?*

The project site is not located near a land locked body of water or hillsides and is not within a coastal area; therefore, **no impact** associated with inundation caused by seiche, tsunami, or mudflow is anticipated to with development of the proposed project.

F. ENVIRONMENTAL IMPACT CHECKLIST

10. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION OF IMPACTS

a) *Physically divide an established community?*

The proposed project site will be consistent with the dominant land use and densities of surrounding development. Additionally, street improvements proposed by the project will establish continuity between existing neighborhoods. Development of the project site for residential uses would not physically divide an established community; therefore, implementation of the proposed project would result in **no impact**.

b) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

The project parcels are currently zoned R1-9000 and R2-3500 which require minimum lot sizes of 9,000 square feet and 3,500 square feet for single family unit lots, respectively. As discussed above, lots will range in size from 5,130 square feet to 11,300 square feet for the Edmundson site, and from 3,610 square feet to 10,390 square feet for the Piazza site. The majority of the lots proposed for the Edmundson site do not meet the minimum lot size requirement for the R1-9000 zone; however, the zoning for this site includes an RPD (Residential Planned Development) overlay. This overlay zoning allows for the deviation from the base zoning development standards in order to encourage flexibility of site planning when it will enhance the area in which it is proposed and to allow construction of below market rate housing. Because the project incorporates enhanced site planning features (e.g. open space/detention areas, increased side yard setbacks, and varying front setbacks) as well as four affordable housing units, the project could be considered to be consistent with the purpose and intent of the PD overlay district, while including under-sized lots for the base R1-9000 zoning district.

F. ENVIRONMENTAL IMPACT CHECKLIST

The project sites are located completely within the City's Urban Limit Line and within the City's 20 year Urban Growth Boundary. The project sites have been designated as Single Family Medium and Multi-Family Low, respectively, by the General Plan. The proposed single-family residential development is consistent with these General Plan designations of the site. Because the project plans are consistent with the Zoning Code and General Plan, **no impacts** associated with plan inconsistencies will occur.

F. ENVIRONMENTAL IMPACT CHECKLIST

11. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION OF IMPACTS

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

No documentation exists of any known mineral resources within the project boundaries; therefore, **no impact** to the loss of availability of a known mineral resource or a locally important resource recovery site is anticipated.

F. ENVIRONMENTAL IMPACT CHECKLIST

12. NOISE				
Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION OF IMPACTS

- a) *Exposure of persons to or generation of noise levels in excess of standards established in the general plan or noise ordinance, or applicable standards of other agencies?*

In December 2011, a *Traffic Noise Land Use Compatibility Assessment* (Appendix J) was conducted by Ambient Air Quality and Noise Consultants to establish existing noise levels in the project vicinity and evaluate potential traffic noise impacts associated with the development of the project. The assessment determined the noise environment within the project area varies depending on the time of day and corresponding traffic volumes along West Edmundson Avenue.

The General Plan establishes the indoor maximum noise level for residential land uses as 50 dBA Ldn and the maximum outdoor noise levels as 60dBA Ldn. According to the Traffic Noise Land Use Compatibility Assessment the calculated predicted future (year 2030) average daily traffic noise levels without a sound barrier would result in exterior traffic noise ranging from 61 dBA Ldn to 63 dBA Ldn along the northern boundary of the project site adjacent to West Edmundson Avenue. At this range the predicted exterior traffic noise would exceed the established exterior maximum exterior noise levels for Lots 9, 10 and 21 through 25, resulting in a potentially significant impact.

The proposed project site plan anticipated the need to mitigate traffic noise impacts and therefore included a sound barrier along the northern boundaries of these lots.

F. ENVIRONMENTAL IMPACT CHECKLIST

Modeling conducted as a component of the *Traffic Noise Land Use Compatibility Assessment* identified that a six-foot sound barrier would provide sufficient noise reduction for these lots, reducing noise levels to between 56 and 58dBA, a less than significant level. To adequately mitigate traffic noise impacts to the project, then, the following mitigation measure is required.

MM12-1 The proposed sound barriers located along the northern property lines of the nearest residential lots, as depicted on the project site plan, shall be constructed to a minimum of height of six feet above the proposed residential pad elevations. The sound barriers shall be constructed of masonry block, or material of similar density and usage, with no visible air gaps along the barrier alignments or at the base of the barriers.

The required six-foot sound barrier will not, however, provide shielding of traffic noise for upper floor areas of the dwelling units located on Lots 9, 10 and 21-25. According to the noise analysis, exterior noise levels along the northern exterior walls for these units could reach from 63 dBA to 79 dBA, which would exceed the 60dBA exterior noise threshold established by the City. These noise levels are not anticipated to result in significant exterior noise level impacts, because most exterior activities would occur at the ground level, where noise will be mitigated as described above.

These exterior noise levels could, however, result in interior noise levels in the upper stories up to 54 dBA, depending on the method of residential construction. This level of noise would exceed the 50 dBA interior noise limit established for residential uses. To ensure interior noise levels do not exceed this threshold, the following mitigation measure is included:

MM12-2 The northern façades for dwelling units on Lots 9, 10, and 21 through 25 shall be designed to achieve a minimum composite sound-transmission-class (STC) rating of 35 dB. Stucco/framed exterior walls constructed and insulated in compliance with current building standards with the use of windows meeting a minimum STC rating of 28 dB, is typically sufficient to meet this standard. Use of higher STC-rated windows shall be included where practical.

With implementation of the above measures, predicted average-daily interior noise levels of these primarily affected dwelling units would be reduced to approximately 33 dBA Ldn, or less, at ground-floor locations and to approximately 39 dBA Ldn, or less, at upper-floor locations. Predicted interior instantaneous noise levels at upper-floor locations of the nearest proposed residential dwellings would be reduced to approximately 49 dBA Lmax, or less.

Implementation of **Mitigation Measure 12-1 and 12-2** would reduce traffic noise impacts to a **less than significant** level by providing an adequate noise reduction for dwelling unit interiors and exterior yard areas.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Because the project site is generally flat, grading and site preparation activities are anticipated to be minimal. Further, development of the project site is not anticipated to utilize pile driving methods or cause a substantial generation of excessive ground borne vibration or noise levels. Impacts associated with groundborne vibration or noise levels would therefore be considered **less than significant**.

c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Development of the project site will result in the construction of single family dwellings consistent with surrounding land uses. The project would increase the occurrence of noises associated with vehicles and the usage of central air condition units; however, these noises would be considered typical of residential uses. Further, the project has committed to located air conditioning units away from property lines as a condition of the RDCS unit allocations granted to the project. Implementation of the project would therefore result in **less than significant** ambient noise level impacts.

d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Construction activities would create temporary increases in noise levels at adjacent noise sensitive land uses. Phases of construction for the project will include grading, foundation work, framing and interior work. The generation of construction noise adjacent to sensitive receptors would be considered a potentially significant impact. Implementation of the following mitigation measure would reduce the impact to a **less than significant** level.

MM12-3 During all phases of construction, the project applicant shall adhere to the following requirements for construction activities with respect to hours of operation and idling and muffling of internal combustion engines:

1. In accordance with Section 8.28.040(D)(1) of the MHMC, noise-generating construction activities shall be limited to the hours between 7 a.m. and 8 p.m., and Saturdays between 9 a.m. and 6 p.m., with construction prohibited on Sundays and federal holidays.
2. Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
3. Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.

F. ENVIRONMENTAL IMPACT CHECKLIST

Temporary noise impacts during construction are anticipated, however implementation of **Mitigation Measure 12-3** would require incorporation of noise reduction measures to reduce these impacts as feasible. This impact is considered to be **less than significant** with mitigation incorporated.

F. ENVIRONMENTAL IMPACT CHECKLIST

13. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION OF IMPACTS

- a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The project will result in the construction of 43 new residential units, which will directly induce population growth in the southern area of the City as these units become occupied. This additional population will result in demand for City services, and will incrementally increase traffic, noise and air pollution within the City, as discussed in other, related sections of this initial study. These impacts, however, have been addressed through mitigation measures or project design features which will minimize any identified impacts to less than significant levels. Additionally, the project density is consistent with the General Plan, therefore, land use issues related to the current and future population of the community, including the proposed project, have been anticipated and addressed. The project is therefore anticipated to result in a **less than significant** impact associated with the direct inducement of population growth.

- b) *Displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?*

The project will result in the demolition of four occupied dwelling units on the site; however, these units will be replaced with 43 new residential units, thereby increasing the housing supply within the City. No new housing is therefore required to accommodate persons currently occupying housing units on the project site, and **no impacts** are anticipated.

F. ENVIRONMENTAL IMPACT CHECKLIST

14. PUBLIC SERVICES

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION OF IMPACTS

a) Fire protection?

Fire protection in the City of Morgan Hill is provided under contract with the Santa Clara County Fire Department. The proposed project will be served by the El Toro Fire Station, located approximately 2.5 miles from the project site, at 18300 Monterey Road. The Fire Department has reviewed the project, and has determined it can be adequately served, without the need for additional facilities. Therefore, **no impacts** resulting from the construction of new fire protection facilities required for the project will occur as a result of the project.

b) Police protection?

The proposed project will be served by the City of Morgan Hill Police Department. The Police Department is located at 16200 Vineyard Boulevard. The City has not identified the need for new or expanded police facilities at this time; therefore, **no impacts** resulting from the construction of new police facilities required for the project will occur as a result of the project.

c) Schools?

Edmundson and Piazza Park will be served by the Morgan Hill Unified School District. School age children enrolled in public school residing in the neighborhood would attend Barrett Elementary School, Britton Middle School or Sobrato High School. To estimate the number of students that would reside in the project, a factor of 0.57 is multiplied by the number of dwelling units. This formula would yield 25 students (0.57 times 43 units.) According to Anessa Espinosa, Director of Facilities and Maintenance for the school district, the schools listed above have adequate capacity to accept this number of additional students, and no additional facilities are necessary. Impacts associated with construction of new school facilities as a result of the project would therefore be considered **less than significant**.

d) Parks?

The City of Morgan Hill Parks and Recreation Master Plan establishes a parkland standard of 5 acres per thousand population. At the present time, the City has achieved 2.7 acres of parkland per thousand population. The master plan includes a 20-year phasing plan to implement the adopted parkland to population ratio through the acquisition and development of parkland, based on a 20-year population projection for the City.

The additional population resulting from the project will contribute incrementally toward the need to acquire and develop parkland to achieve this ratio, and will therefore contribute incrementally toward the environmental impacts associated with new park development and operation. On a general basis, these impacts can include construction related impacts such as dust and noise, and operational impacts such as water use, traffic generation and exterior lighting. Because the project's contribution to the overall demand for new park facilities is minimal, however, its associated contribution toward park construction and operational impacts would be **less than significant**.

e) Other public facilities?

The proposed project is not anticipated to result in the need for other additional City or governmental facilities, the construction of which would result in environmental impacts. A **less than significant** impact is therefore anticipated.

F. ENVIRONMENTAL IMPACT CHECKLIST

15. RECREATION

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that the substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION OF IMPACTS

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that the substantial physical deterioration of the facility would occur or be accelerated?*

The project would result in an incremental increase in the population of the City, and it is anticipated that the residents of the proposed project will utilize existing neighborhood and regional parks and other recreational facilities. This increase in usage, however, will be negligible in relation to the existing user base for existing recreational facilities, and will not result in the substantial physical deterioration of these facilities; therefore, a **less than significant** impact is anticipated.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The project includes the construction of open space areas serving the project, including shallow retention ponds covered in turf which may be used for recreation. Construction of these areas will require grading/earthmoving, which will result in temporary construction air quality and noise impacts, similar to those of the other portions of the project. These impacts have been addressed in **Section 3, Air Quality** and **Section 12, Noise**, however, and will be **less than significant** with mitigation incorporated. Once fully constructed and planted with turf and trees, irrigation will be required to maintain the vegetation. As discussed in **Section 9, Hydrology and Water Quality**, there are adequate water supplies to serve the project; therefore impacts associated with water consumption for landscape maintenance would be **less than significant**.

F. ENVIRONMENTAL IMPACT CHECKLIST

16. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant with Incorporated Mitigation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION OF IMPACTS

- a) *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*

Policy 3d of the Circulation Element of the City of Morgan Hill General Plan maintains a level of service (LOS) intersection operation standard of 'D.' According to the traffic analysis prepared in July 2009 for the Circulation Element Update, the current and 2030 General Plan buildout LOS operation for the two closest intersections to the project are:

F. ENVIRONMENTAL IMPACT CHECKLIST

Tennant Avenue and Monterey Road:

LOS C- / LOS C-

Vineyard Boulevard and Monterey Road:

LOS D+ / LOS C-

The traffic analysis took into account existing and proposed development based on General Plan land use densities. Because the project density is consistent with the General Plan densities for the project sites, the project will not result in any changes to cumulative operational levels of the above intersections through 2030. Consequently, the project will not result in any intersections operating below LOS D; therefore, a **less than significant impact** is anticipated.

- b) *Conflict with an applicable congestion management program, including, but not limited to level of service standards established by the county congestion management agency for designated roads or highways?*

The Santa Clara County congestion management program roadway network consists of freeways, expressways, urban arterials (six-lane facilities or non-residential arterials with average daily traffic (ADT) of 30,000 vehicles per day), and rural highways. The proposed roadway improvements associated with the proposed project are not part of the congestion management program network and the proposed project would not contribute traffic that would result in any congestion management roadways degrading to a less than acceptable level of service. Therefore, a **less than significant** impact resulting from any inconsistency with the Santa Clara Congestion Management Program is anticipated.

- c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

The project will not result in any changes to air traffic. **No impact** will result.

- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The project street system is designed in accordance with standards of the Engineering Department. This department has reviewed the project plans and has not identified any hazardous design features; therefore, **no impact** is anticipated.

- e) *Result in inadequate emergency access?*

The project proposes the extension of Piazza Way and the construction of Street B, which will allow for two ingress/egress access points into the project from West Edmundson Avenue. These streets have been designed to meet applicable Engineering Department standards with regard to roadway width and intersection geometry to facilitate safe and efficient access for emergency vehicles. Further, the

F. ENVIRONMENTAL IMPACT CHECKLIST

project street plans have been reviewed by the Santa Clara County Fire Department and have been found to be adequate. Therefore, implementation of the proposed project result in a **less than significant** impact associated with hazards due to design features and inadequate emergency access.

- f) *Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?*

General Plan Policy 6a supports coordination with VTA to improve local bus service, including providing enhanced bus stop amenities on Monterey Road. The project plans have been reviewed by VTA, and this agency requested that the project provide bus stop enhancements to an existing bus stop on the east side of Monterey Road within ¼ mile of the project site. As a part of the RDCS process, the project applicant committed to providing the specific improvements requested by VTA. To ensure these improvements are installed to coincide with the additional service demand created by the project, thereby ensuring project consistency with General Plan policy 6a, the following mitigation measure is included:

MM16-1 Prior to issuance of certificate of occupancy for the tenth dwelling unit for the project in aggregate (i.e. Edmundson and Piazza combined), the project developer shall complete construction of the bus stop improvements for the VTA Line 68 bus stop on the east side of Monterey Road, north of Vineyard Avenue, to the satisfaction of VTA. Said improvements shall include, as specified in the VTA letter dated September 15, 2010, a PCC concrete bus pad in the street and a solar bus stop light with an ADA compliant activation button. The project developer shall coordinate with VTA to construct these improvements in accordance with VTA standards and specifications.

The Bikeway Master Plan of the City of Morgan Hill identifies existing and future bicycle routes within the City. West Edmundson Avenue has been designated as an arterial road to include striped bike lanes in both directions of the roadway. In accordance with this designation, the project developer has designed the West Edmundson Avenue improvements along the project frontage to include bike lanes, meeting Engineering Department standards.

Policy 8a of the General Plan requires adequate pedestrian access to be provided in all developments. In accordance with this policy, the project street plans include sidewalks designed to City standards.

With implementation of **Mitigation Measure 16-1**, and as a result of design features proposed for the project discussed above, the project will be consistent with City policies, plans and programs regarding public transit, bicycle and pedestrian facilities, and **less than significant impacts** associated with plan or policy inconsistency are anticipated.

F. ENVIRONMENTAL IMPACT CHECKLIST

17. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION OF IMPACTS

- a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*
- b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

Sewer Lines

The proposed project will connect to existing sewer lines in the vicinity of the project. Wastewater is collected by the City of Morgan Hill and treated at the South County Regional Wastewater Authority Wastewater Treatment Plant. The study area of the 2002

F. ENVIRONMENTAL IMPACT CHECKLIST

City of Morgan Hill Sewer Master Plan included lands within the City's 20 year growth boundary of which the proposed project is included. According to the City's Sewer Master Plan, the City of Morgan Hill requires additional capacity to adequately collect and transport sewer water to the Wastewater Treatment Plant. Specific improvements have been included within the master plan to provide this capacity, including sewer main enlargements within Monterey Road, to which the project site will ultimately connect, via existing lines within West Edmundson Avenue. The project is required to pay impact fees toward the implementation of these improvements.

Wastewater Treatment Plant

Wastewater flows from the City of Morgan Hill and the City of Gilroy are treated at the Industrial Wastewater Treatment Plant in the City of Gilroy. According to the current City of Morgan Hill Capital Improvement Program, the treatment plant currently has capacity to process 8.5 million gallons per day (MGD) of wastewater, and that this capacity must be increased to 11.75 MGD by 2017 to accommodate the future growth needs of both cities. Construction of improvements to provide this capacity is scheduled to begin in July of 2013, and will be funded through a combination of developer impact fees and anticipated bond measures.

Because the project is required to contribute impact fees toward the expansion of the planned sewer line capacity and treatment plant capacity improvements, it is anticipated that adequate wastewater capacity will be provided for the project. The project will therefore have a **less than significant impact** associated with inadequate wastewater treatment capacity.

- c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

On-site stormwater drainage facilities will be constructed as a part of the project, which will result in temporary construction related noise and runoff impacts. These impacts, however, have been addressed in **Section 3, Air Quality**, and will be mitigated with implementation of the measures included in this section. The overall on-site storm drainage system has been designed to minimize the environmental effects of the project by minimizing the potential for flooding, and by retaining stormwater on-site. Construction of new stormwater drainage facilities for the project is therefore anticipated to result in **less than significant** impacts.

- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

According to the City of Morgan Hill 2010 Urban Water Management Plan, the current total water use for the City is approximately 7,333 acre-feet per year, with a projected use of 9,637 acre feet per year by 2030. By comparison, the total water supply,

F. ENVIRONMENTAL IMPACT CHECKLIST

according to the plan, is 18,054 acre-feet per year, which will increase to 18,422 acre feet per year by 2030. The existing and future water supply for the City is therefore adequate to serve the project, and **less than significant** water supply impacts are anticipated as a result of the project.

- e) *Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

As discussed above, the required improvements to accommodate the City's sewer system and wastewater treatment capacity to adequately serve the projected growth for the City are underway and/or scheduled for commencement. Development of the proposed project will be sufficiently served by the City's existing and planned sewer system and wastewater treatment capacity; therefore, implementation of the project will result in **no impact** associated with inadequate wastewater treatment capacity.

- f) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*
- g) *Comply with federal, state, and local statutes and regulations related to solid waste?*

Waste, recycling, and composting collection services of the project site will be provided by Recology (formerly, South Valley Disposal and Recycling.) Recology provides street side garbage, recyclables, and yard waste collection. Solid waste collected from the project site can be disposed of at three different landfill sites: Kirby Canyon Recycling and Disposal Facility, Guadalupe Sanitary Landfill, and John Smith Road Landfill, all of which have sufficient capacity to serve the proposed project. Development of the proposed project will therefore be served by a landfill with sufficient permitted capacity and will comply with local statutes and regulations regarding solid waste, resulting in **less than significant** solid waste impacts.

F. ENVIRONMENTAL IMPACT CHECKLIST

18. MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION OF IMPACTS

- a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

There is a potential for significant impacts to biological resources, both plant and animal, from future development of the project site. Mitigation measures required pre-construction surveys, avoidance measures, restoration of habitat and or replacement of trees. Implementation of **Mitigation Measures 4-1** thru **4-3** would ensure that impacts to biological resources will be **less than significant** by requiring appropriate measures are taken and mitigation measures in place prior to ground disturbance activities.

There is no evidence that the project site is located within an archeological sensitive area. However, **Mitigation Measures 5-1** and **5-2** are incorporated herein, which would ensure that if prehistoric and historic cultural resources are discovered during construction activities that the proposed project does not adversely affect any cultural

F. ENVIRONMENTAL IMPACT CHECKLIST

resources or human remains buried outside of a cemetery. Implement of these mitigation measures would ensure that the proposed project does not eliminate examples of major periods of California history and prehistory, which will reduce potential impacts to **less than significant** levels.

- b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

The proposed project would contribute to cumulative impacts to air quality, public services, and utilities and service systems. The applicant will be required to pay impact fees for public services, and implement **Mitigation Measures 3-1** and **7-1** for impacts associated with air quality and greenhouse gas emissions. With the payment of development impact fees and implementation of dust control measures to reduce the emission of particulate matter during construction the project's cumulative impacts to air quality, greenhouse gas emissions, public services, and utilities and services systems would be considered **less than significant**.

- c) *Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

The proposed project will not have a substantial adverse effect on human beings. With the implementation of **Mitigation Measures 1-1** through **12-3**, any potential impacts will be mitigated to a level of non-significance. Therefore, adverse effects on human beings will be **less than significant**.

H. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a "de minimis" (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a "de minimis" effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of "de minimis" effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of "no effect" on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department's website at www.dfg.ca.gov.

Conclusion: The project will be required to pay the fee, unless the Lead Agency requests such a determination from CDFG.

Evidence: Based on the record as a whole as maintained by the City of Morgan Hill.

I. Documents Referenced in Initial Study and/or Incorporated by Reference

The following documents were used to determine the potential for impact from the proposed project. Compliance with federal, state and local laws is assumed in all projects. These documents are referenced from the initial study checklist.

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Appendices (CD Only)

- Appendix A – Biological Resource Analysis – W. Edmundson
Appendix B – Biological Resource Analysis – Piazza
Appendix C – Historic Resource Evaluation
Appendix D – Cultural Resource Evaluation – W. Edmundson
Appendix E – Cultural Resource Evaluation – Piazza
Appendix F – Geotechnical Report – W. Edmundson
Appendix G – Geotechnical Report – Piazza
Appendix H – Phase I Site Assessment – W. Edmundson
Appendix I – Phase I Site Assessment – Piazza
Appendix J – Traffic Noise Land Use Compatibility Assessment